

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

ALI ABDALLA HAMZA *et al.*,)
Plaintiffs,)
v.) 1:20-cv-01038 (LMB/JFA)
KHALIFA HIFTER,)
Defendant.)

DEFENDANT KHALIFA HIFTER'S ANSWER AND GROUNDS FOR DEFENSE

Defendant Khalifa Hifter, by counsel, for his answer to the Amended Complaint, states as follows:

I. PRELIMINARY STATEMENT

1. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

2. Defendant Hifter admits he is a U.S. citizen and denies the remaining allegations contained in the first and second sentence.

3. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

II. JURISDICTION AND VENUE

4. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

5. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

6. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

7. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

8. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

9. Denied.

III. PARTIES

10. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

11. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

12. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

13. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

14. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

15. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

16. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

17. Mr. Hifter admits that he is a citizen of the United States and denies the remaining allegations contained within this paragraph.

18. Mr. Hifter admits that he owns property in Virginia.

19. Mr. Hifter admits that he owns property in Virginia.

20. Mr. Hifter admits that a contract was entered into with Grassroots Political Consulting, LLC to provide limited scope political and strategic advocacy activities and advice with the intent to garner U.S. support and provide an accurate depiction of the activities of the Hifter family and the LNA.

IV. LEGAL FRAMEWORK

21. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

22. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

23. Denied.

V. FACTUAL ALLEGATIONS

24. Admitted.

25. Mr. Hifter admits that there was a political revolution.

26. Mr. Hifter admits that there was a political revolution but does not agree with Plaintiffs' characterization.

27. Mr. Hifter admits that elections took place in 2012. Mr. Hifter admits that the GNC was formed.

28. Mr. Hifter admits that the House of Representatives was formed and is the legislative branch in Libya.

29. Admitted.

30. Admitted.

31. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

32. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

33. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

34. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

35. Mr. Hifter admits that he was once an ally of Muammar Ghaddafi.

36. Mr. Hifter admits that he was once an ally of Muammar Ghaddafi. The remainder of the allegations are denied as stated. Additionally, this paragraph contains conclusions of law to which no response is required. Mr. Hifter admits that he is a U.S. citizen.

37. Mr. Hifter admits that Colonel Muammar Ghaddafi was assassinated in October 2011. Mr. Hifter further admits that he returned to Libya and resides there. The remainder of the allegations are denied as stated.

38. Mr. Hifter admits that the GNC was the elected body but denies Plaintiffs' characterization of public information.

39. Mr. Hifter admits that he was appointed as Field Marshall of the LNA.

40. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

41. Mr. Hifter admits that he was involved with Operation Dignity in an effort to rid Libya of terrorist organizations. To the extent that Plaintiffs' allegations incorporate articles, the articles speak for themselves. Mr. Hifter denies the remaining allegations in this paragraph.

42. Mr. Hifter denies the first sentence of this paragraph. The article cited by Plaintiffs speaks for itself. The translation of the video posted in the article contains errors and omissions. To the extent that an answer is required regarding the remaining allegations contained in this paragraph, Mr. Hifter denies the characterization by Plaintiffs.

43. Mr. Hifter denies the first sentence of this paragraph. The article cited by Plaintiffs speaks for itself, but Mr. Hifter denies the allegations. To the extent that an answer is required regarding the remaining allegations contained in this paragraph, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

44. The article cite by Plaintiffs speaks for itself. To the extent that an answer is required, Mr. Hifter refuses to confirm or deny funding sources for the Libyan National Army as a military and state secret of Libya, and therefore the allegations in this paragraph are deemed denied.

45. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

46. Denied.

47. Denied.

48. The article cited by Plaintiffs speaks for itself. To the extent and answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

49. The article cited by Plaintiffs speaks for itself. To the extent and answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

General Allegations

50. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

a. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

b. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

c. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

d. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

e. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

f. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

51. The first sentence of this paragraph is denied. The UNHCHR report speaks for itself. To the extent an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph, and therefore they are deemed denied.

52. Denied.

53. The UNHCHR report speaks for itself. To the extent an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

54. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

55. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

56. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

57. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

58. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

59. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

60. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

61. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

62. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

a. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

b. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

c. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

63. The UNHCHR report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

64. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

65. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

66. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

67. The video cited by Plaintiffs is unavailable. Thus, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

68. The letter cited in this paragraph speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

69. Although Plaintiffs cite Human Rights Watch, no citation is provided in this paragraph, therefore Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

70. Although Plaintiffs cite Human Rights Watch, no citation is provided in this paragraph, therefore Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

71. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

72. The UN News article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

73. The Human Rights Watch letter speaks for itself, but Mr. Hifter denies the allegations and denies that he was personally alerted. To the extent that an

answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

74. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

75. The article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

76. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

77. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

78. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

79. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to

the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

a. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

b. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

c. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

d. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

80. The video cited by Plaintiffs is unavailable. Thus, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

81. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

82. The letter cited in this paragraph speaks for itself. To the extent an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

83. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

84. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

85. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

86. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

a. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

b. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

87. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

88. This paragraph contains an incomplete sentence without allegations. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

89. This paragraph contains an incomplete sentence. To the extent that an answer is required, the Human Rights Watch report speaks for itself and Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

90. The UNSMIL report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

91. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as

to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

92. The reports cited in this paragraph speaks for themselves. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

93. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

94. The State Department report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

95. The article cited in this paragraph speaks for themselves. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

96. The UNSMIL-UNHRC report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

97. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as

to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

98. The State Department report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

99. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

100. The Human Rights Watch article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

101. The Amnesty International report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

102. The Amnesty International report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

103. The ICC arrest warrant speaks for itself. To the extent that an answer is required, Mr. Hifter denies Plaintiffs' characterization of the ICC arrest warrant and assumption of its truth without due process of law.

104. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

105. The Amnesty International article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

106. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

107. The article cited by Plaintiffs speaks for itself. To the extent that an answer is required, Mr. Hifter denies Plaintiffs' characterization of his comments and denies the applicability of an opinion article to the facts of this case.

108. The blog cited by Plaintiffs speaks for itself. The TV interview cited by Plaintiffs is not cited in this paragraph. To the extent that an answer is required, Mr. Hifter admits that he has always sought to free Libya from terrorism and oppression.

109. The article cited by Plaintiffs speaks for itself. To the extent that an answer is required, Mr. Hifter denies Plaintiffs' characterization. The translation of the video posted in the article contains errors and omissions.

110. The article speaks for itself. To the extent that an answer is required, Mr. Hifter denies the mischaracterization of the statements alleged by Plaintiffs and denies the remaining allegations contained within this paragraph.

111. The article speaks for itself. To the extent that an answer is required, Mr. Hifter denies the allegations contained therein.

Specific Allegations

112. Denied.

113. Denied as stated.

114. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

115. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

116. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied. Regarding the remaining allegations, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

117. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied. Regarding the remaining allegations, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

118. Mr. Hifter denies commanding as such. As to the remaining allegations, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

119. Mr. Hifter denies the first sentence of this paragraph. The article cited speaks for itself. To the extent an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in rest of this paragraph, and therefore they are deemed denied.

120. As Plaintiffs have not included the letter in this Complaint, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

121. The article speaks for itself. To the extent that an answer is required, Mr. Hifter denies the mischaracterization of the statements alleged by Plaintiffs.

122. The untranslated video speaks for itself. To the extent that an answer is required, Mr. Hifter admits that he spoke about Operation Dignity but denies Plaintiffs attempts to mischaracterize his comments.

123. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in the first sentence of this paragraph, and therefore it is deemed denied. Mr. Hifter denies the second sentence of this paragraph.

124. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in the first two sentences of this paragraph, and therefore they are deemed denied. Mr. Hifter denies the remainder of this paragraph.

125. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained this paragraph, and therefore they are deemed denied.

126. Denied.

127. The Human Rights Watch letter speaks for itself. To the extent that an answer is required, Mr. Hifter denies the mischaracterization of the statements alleged by Plaintiffs.

128. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in the first sentence of this paragraph, and therefore they are deemed denied. Mr. Hifter denies the remainder of this paragraph.

129. The State Department report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

130. Mr. Hifter denies the first two sentences contained in this paragraph. The video cited by Plaintiffs is unavailable. Thus, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained therein, and therefore they are deemed denied. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

131. Mr. Hifter denies the allegations in the first three sentences of this paragraph. Mr. Hifter is without sufficient knowledge to form a belief as to the truth

of the allegations contained in the fourth sentence of this paragraph, and therefore that allegation is deemed denied.

132. Mr. Hifter denies the first two sentences contained in this paragraph. He is without sufficient knowledge to form a belief as to the truth of the allegations contained in the remaining sentences of this paragraph, and therefore they are deemed denied.

133. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

134. Mr. Hifter denies the allegations in the first sentence of this paragraph. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the rest of the allegations contained in this paragraph, and therefore they are deemed denied.

135. Denied.

136. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

137. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

138. The video cited by Plaintiffs is unavailable, therefore, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained therein, and therefore they are deemed denied. The article cited in this paragraph speaks for itself. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the remaining allegations contained in this paragraph, and therefore they are deemed denied.

139. Mr. Hifter denies he commanded as such. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

140. Mr. Hifter denies he commanded as such. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

141. The Human Rights Watch letter speaks for itself. Mr. Hifter denies receiving this letter. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied. Mr. Hifter admits that he did not respond to this letter.

142. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

143. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

144. Mr. Hifter denies he commanded as such. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

145. Mr. Hifter denies he commanded as such. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

146. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

147. The State Department report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

148. The Amnesty International France article speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

149. The U.N. Human Rights Council report speaks for itself. To the extent that an answer is required, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

150. The video cited by Plaintiffs is unavailable. Thus, Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied. The article cited in this paragraph speaks for itself. Mr. Hifter denies Plaintiffs' remaining allegations contained within this paragraph.

151. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

152. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

153. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

154. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

155. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

156. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

157. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

158. Mr. Hifter admits that there is a civil war in Libya with fighting among the factions but denies the allegations as stated.

159. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

160. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

161. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

162. Mr. Hifter is without sufficient knowledge to form a belief as to the truth of the allegations contained in this paragraph, and therefore they are deemed denied.

VI. CAUSES OF ACTION

COUNT ONE

(Alien Tort Statute: War Crime of Murder of Civilians)

Per this Court's March 26, 2021 Order, Count One has been dismissed.

COUNT TWO

(Alien Tort Statute: War Crime of Attacking Civilians)

Per this Court's March 26, 2021 Order, Count Two has been dismissed.

COUNT THREE

(Alien Tort Statute: War Crime of Mutilation)

Per this Court's March 26, 2021 Order, Count Three has been dismissed.

COUNT FOUR

(Alien Tort Statute: War Crime of Torture, Cruel, Inhuman, or Degrading Treatment)

Per this Court's March 26, 2021 Order, Count Four has been dismissed.

COUNT FIVE

(Alien Tort Statute: War Crime of Siege Warfare)

Per this Court's March 26, 2021 Order, Count Five has been dismissed.

COUNT SIX

(Alien Tort Statute: Crime Against Humanity)

Per this Court's March 26, 2021 Order, Count Six has been dismissed.

COUNT SEVEN

(Torture Victim Protection Act: Extrajudicial Killing and Torture)

199. Defendant incorporates each answer in the preceding paragraphs as if set fully forth herein.

200. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

201. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

202. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

203. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

204. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

205. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

206. This paragraph contains conclusions of law to which no response is required. To the extent an answer is required, those conclusions are denied.

207. The allegations in this paragraph are insufficiently clear for Mr. Hifter to understand and therefore are deemed denied.

208. Denied.

209. Denied.

210. Denied.

211. Denied.

VII. JURY TRIAL DEMANDED

212. Defendant denies that Plaintiffs are entitled to a jury trial.

VIII. PRAYER FOR RELIEF

WHEREFORE, Defendant Khalifa Hifter denies that Plaintiffs are entitled to any of the relief requested in the unnumbered Section VIII, following paragraph 212, and respectfully requests that the court dismiss the Amended Complaint in its entirety and enter judgment in his favor and against Plaintiffs.

AFFIRMATIVE DEFENSES

FIRST AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred by head of state immunity. As thoroughly outlined in Mr. Hifter's memorandum and reply in support of his motion to dismiss, ECF Nos. 25 and 30 (at 12-14 and at 6-8), Mr. Hifter was appointed head of the Libyan National Army by the Libyan House of Representatives. He currently undertakes responsibilities including meeting and negotiating with foreign heads of state. The former Executive treated him as the head of state. Although Libya is currently in a civil war, his status as head of state gives Mr. Hifter immunity from suit.

SECOND AFFIRMATIVE DEFENSE

Plaintiffs' claims are barred because the claims constitute a non-justiciable political question beyond this Court's jurisdiction. *Baker v. Carr*, 369 U.S. 186 (1962), lays out specific factors for courts to consider in determining whether a dispute is a political question outside their jurisdiction. As was thoroughly explained in Mr. Hifter's memorandum and reply in support of his motion to dismiss, ECF Nos. 25 and 30 (at p. 6-12 and p. 3-6), these factors indicate that this case is outside of the Court's

jurisdiction. The United States has an interest in the region, and it is within the Executive's domain to make decisions regarding foreign affairs.

Dated: July 20, 2021

KHALIFA HIFTER
By Counsel

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CERTIFICATE OF SERVICE

I certify that on July 20, 2021, a copy of the foregoing was filed with the Clerk of the Court using the Court's CM/ECF system, which will send a copy to all counsel of record.

Dated: July 20, 2021

/s/ Jesse R. Binnall
Jesse R. Binnall

Attorney for Defendant